



California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman



Linda S. Adams
Agency Secretary

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Arnold Schwarzenegger
Governor

July 19, 2006

Ms. Marjorie Yates
4079 Excelsior Road
Eureka, CA 95503

Dear Ms. Yates:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Kinsey Ranch Seasonal Bridge Project

File: Kinsey Ranch Seasonal Bridge Project
WDID No. 1B06064WNHU

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341), in response to your request, on behalf of Marjorie Yates (applicant), for Water Quality Certification for activities related to the Kinsey Ranch Seasonal Bridge project located in the vicinity of Benbow (T4S, R4E, S32), Humboldt County. On May 11, 2006, the Regional Water Board received your application and a \$1575.00 processing fee. On June 27, 2006, we deemed the application complete and posted information describing the project on the Regional Water Board's website for a 21-day public review and comment period. We did not receive any comments on this project.

Project Description: The Kinsey Ranch is a 7,000-acre livestock ranch that has been in operation since 1914. Access to the Ranch is via a footbridge during the wet months but only allows limited transport of goods into and out of the ranch. Since the 1950s the owners have constructed a seasonal bridge for transport of goods, supplies, and ranch equipment. Over the years the bridge has primarily been used by the Kinsey Ranch operation but it is also used by public utility companies and other ranchers. The purpose of the proposed project is to provide access to Kinsey Ranch, typically from May 15 through November 15 each year.

The project involves the installation of a "railcar" type steel bridge, 90 feet long x 9 feet wide, at the location of the historic seasonal bridge. At this location of the South Fork of the Eel River is a natural narrow point where the river exhibits a run-type habitat. Bridge abutments will be constructed of K-rails placed on gravel. A small bulldozer and/or front-end loader will be used to position approximately 80 cubic yards of native gravel and the K-rails. The use of K-rails will reduce the potential for fine sediment to impact the waterway. The bridge will be stored above Ordinary High Water Mark (OHWM) during the winter months. The project involves approximately 0.50 acres of gravel bar and the crossing of

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the East Branch will be confined to the traditionally used 20-foot swath of the river. Construction activities will be below the OHWM but above the wetted perimeter of the active channel. The estimated time for completion and dismantling of the proposed seasonal bridge is 2-3 hours in one day. Upon completion, all bridge crossings will be kept at a minimum annually and all portions of the river bar will be restored to pre construction conditions. Riparian vegetation is located 100 to 130 feet from the wetted channel and outside of the project area.

Receiving Waters: East Fork of the Eel River associated with the Benbow Hydrologic Subarea No. 111.32.

Latitude/Longitude: 40 03' 58.37" N/ 123 45' 35.94"W

Filled or Excavated Area: Area Temporarily Impacted: 0.50 acres of river bar
Area Permanently Impacted: None

Federal Permit: U.S. Army Corps of Engineers Nationwide Permit 14 for *Linear Transportation*

Compensatory Mitigation: None for this project

Non-compensatory Mitigation: Non-compensatory mitigation measures include implementation of Best Management Practices for sediment/ erosion control and equipment. There are no permanent impacts associated with the project. The applicant shall retain a qualified biological consultant to be on site to monitor throughout the bridge installation and removal activities in accordance with specifications of California Department of Fish and Game (CDFG), Army Corps of Engineers (ACOE), Humboldt County Community Development Department (HCCDD) and National Oceanic Atmospheric Administration (NOAA). The applicant will comply with Air Quality Regulation 1, Chapter IV that requires, among other things, that open trucks are covered when transporting materials that may emit airborne particles and that dust control measures are implemented during construction. Before heavy equipment crosses the river, a qualified biological monitor will scare fish and larval amphibians away from the project area and thoroughly inspect the channel in order to ensure that there are no salmonid redds at the crossing location. If the monitor finds salmonid redds, the crossing site will be moved downstream of the redd(s) to avoid potential impacts. All equipment and petroleum products will be stored 150 feet away from the OHWM and regularly inspected for leakage and a spill kit will be maintained on-site at all times. All heavy equipment will be cleaned by hand to remove any potential pollutants prior to river crossing, bridge moving, or abutment construction. If precipitation events are forecast that would threaten the bridge prior to the scheduled removal, the bridge will be removed ahead of schedule according to ACOE conditions. The applicant has applied for a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game.

- CEQA Compliance: The County of Humboldt Community Development Services Planning Division, as lead agency has certified a Mitigated Negative Declaration on July 10, 2006 (SCH # 2006052176).
- Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:
- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.
 - 2) This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
 - 3) The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.
- Additional Conditions: Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:
- 1) The applicant shall notify the Regional Water Board in writing at least five working days (working days are Monday – Friday) prior to the commencement of the project, with details regarding the schedule of operations, to allow staff the opportunity to be present onsite and to answer any public inquiries that may arise regarding the project.
 - 2) All conditions listed in this Water Quality Certification must be included in the Plans and Specifications prepared by the applicant for the Contractor. All conditions shall be implemented according to the submitted application and this Water Quality Certification.
 - 3) A copy of this permit must be provided to the contractor and all subcontractors conducting the work, and a copy must be in their possession at the work site. It is the applicant's responsibility to ensure that the contractor and all subcontractors are provided a copy of this permit.
 - 4) Adequate BMPs for sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters.

- 5) If, at any time, an unauthorized discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and Regional Water Board staff shall be notified promptly.
- 6) No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.
- 7) When operations are completed, any excess material or debris shall be removed from the work area and disposed of properly. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
- 8) If construction dewatering is found to be necessary, the applicant will use a method of water disposal other than disposal to surface waters (such as land disposal) or the applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage to discharge to surface waters.
- 9) Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water quality.
- 10) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 11) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 12) All activities, BMPs, and associated mitigation will be conducted as described in this Permit and the application submitted by the applicant for this project.
- 13) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address, and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the Kinsey Ranch Seasonal Bridge Project, (Facility No. 1B06064WNHU) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on July 19, 2011. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Diana Henriouille of our staff at (707) 576-2350 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine Kuhlman
Executive Officer

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Enclosure:

State Water Resources Control Board Order No. 02003-0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification"

cc: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street, San Francisco, CA 94599

U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502

Mr. Oscar Balaguer, 401 Program Manager, Water Quality Certification Unit, SWRCB, 1001 I Street, 15th Floor, Sacramento, CA 95814

Ms. Aimee Weber, SHN Consulting Engineers & Geologists, Inc., 812 W. Wabash Ave., Eureka, CA 95501